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OFFICE OF PETITIONS

Applicant: Demitz et al.
Appl. No.: 10/511,122
International Filing Date: April 9, 2003
Title: HAIR CARE AGENTS CONTAINING PREGELATINIZED, CROSS-LINKED
STARCH DERIVATIVES
Attorney Docket No.: 104035.283800
Pub. No.: US 2006/0039882 A1
Pub. Date: February 23, 2006

This is a decision on the request for a corrected patent application publication under
37 CFR 1.221(b), received on April 19, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication
contains material errors, as application published with the wrong abstract, as it does not include
abstract filed with the amendment on June 20, 2005 and the publication includes drawings not
filed with the application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is
apparent from Office records.... Any request for a corrected publication or revised patent
application publication other than provided as provided in paragraph (a) of this section must be
filed within two months from the date of the patent application publication. This period is not
extendable." A material mistake must affect the public's ability to appreciate the technical
disclosure of the patent application publication, to determine the scope of the patent application
publication, or to determine the scope of the provisional rights that an applicant may seek to
enforce upon issuance of a patent. [1]

The instant request identifies Office errors in the publication, however the errors are not material
Office error under 37 CFR 1.221(b). The errors are not material mistakes because the technical
disclosure and the claims are understandable, as the information is also included summary of the
invention and else where in the specification and since the application does not include drawings,
none were omitted. The errors do not affect the public's ability to appreciate the technical
disclosure of the patent application publication, or determine the scope of the patent application

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000),
1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

It is noted that the abstract filed by preliminary amendment on June 20, 2005 does not comply with 37 CFR 1.121, as the abstract does not start on a separate page.
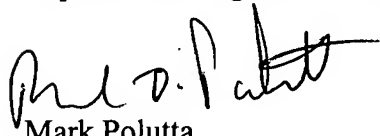
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
                Commissioner for Patents
                P.O. Box 1450
                Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

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